

HOLLER et al
Serial No. 09/332,050

Atty Dkt: 2466-29
Art Unit: 2665

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Add new claims 38 - 52.
2. Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Claims 1, 4 and 14-37 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,600,641 to Duault in view of newly cited U.S. Patent 5,828,844 to Civanlar (see enumerated paragraph 3 of the Office Action). Claims 2, 6-11 and 13 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,600,641 to Duault and U.S. Patent 5,828,844 to Civanlar as applied to claims 1, 4 and 36 above and further in view of previously applied U.S. Patent 5,568,475 to Doshi (see enumerated paragraph 4 of the Office Action). Claims 3, 5 and 12 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,600,641 to Duault, U.S. Patent 5,828,844 to Civanlar and U.S. Patent 5,568,475 to Doshi as applied to claims 1, 4 and 36 above and further in view of U.S. Patent 5,452,295 to Nakagaki (see enumerated paragraph 5 of the Office Action).

All prior art rejections are respectfully traversed, at least for the following reasons.

The deficiencies of U.S. Patent 5,600,641 to Duault relative to the pending claims was explained in the amendment/submission filed on January 12, 2004. Judging from the most recent Office Action, the Examiner agrees with Applicants that U.S. Patent 5,600,641 to Duault does not fully disclose a method of returning the exit port or forwarding the entry port to a destination or source via a path established by switch emulators. In view of this deficiency, the Office Action turns to an alleged combination of U.S. Patent 5,600,641 to Duault with U.S. Patent 5,828,844 to Civanlar.

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Applicants respectfully submit that the combination of U.S. Patent 5,600,641 to Duault and U.S. Patent 5,828,844 to Civanlar is in appropriate and unavailing. First of all, U.S. Patent 5,828,844 to Civanlar is a pure packet system. Civanlar does not teach or suggest a virtual non-packet connection which is parallel to or independent of his ATM network. Moreover, any alleged forwarding of address by Civanlar occurs in the ATM network, not via a collateral virtual connection. Therefore, U.S. Patent 5,828,844 to Civanlar suggests nothing to U.S. Patent 5,600,641 to Duault pertinent to Applicants' claims.

Applicants further note other grounds for distinguishing their switch emulator/logic unit/emulating means from the circuit emulation server(s) of U.S. Patent 5,600,641 to Duault. For example, the Duault's circuit emulation server(s) are in charge of the actual switching operation of the voice slots from the input lines to the output lines (*see, e.g., col. 6, lines 39 – 47*). This is totally contrary to Applicants' technique¹ of two separate and completely independent connections: (1) a virtual connection (e.g., STM) for call setup which is controlled by Applicants' switch emulators; and (2) an ATM connection for voice transport through the bearer services domain, which is *not* under control of Applicants' switch emulators.

The independence of the two types of connections facilitates an important stratification of the call services domain and the bearer services domain, and is further emphasized by new claims 48 – 52, as well as by limitations already emphasized in independent claim 4.

¹ In at least one embodiment Applicants do not employ their switch emulators to configure a path through the ATM network, but allow their VMs to do so. *See, e.g., page 10, next to last full paragraph.*

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New independent claim 38 and claims 39 – 47 dependent thereon likewise emphasizes the stratification of the call services domain and the bearer services domain, and particularly requires Applicants' logic unit (e.g., switch emulator) as setting up a virtual connection in the call services domain, but further requires the logic unit to use the ATM network rather than the virtual connection to establish a physical connection for voice transport in the bearer services domain. This stratification and independency of connections is not taught or suggested in either U.S. Patent 5,600,641 to Duault or U.S. Patent 5,828,844 to Civanlar, as previously indicated.

Other claims have features of yet further and separate patentable merit. However, in view of the manifest patentability of all claims, other grounds for patentability need not be presented. But should prosecution persist, Applicants reserve the right to argue such further grounds.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

Any additional claims fees necessitated by this Amendment are indicated on the attached transmittal letter and are paid by an accompanying check. A Request for Extension of Time and accompanying check is also simultaneously filed herewith. Should the transmittal letter, request for extension of time, not be found, the Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

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Respectfully submitted,
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